

The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES (DPU) TRANSPORTATION OVERSIGHT DIVISION

ONE SOUTH STATION
5TH FLOOR
BOSTON, MA 02110



Request for Response (RFR)

Assessment of the Massachusetts Bay Transportation Authority's Green Line Light Rail Track System

COMMBUYS Bid: BD-17-1033-DPU01-DPU01-10412

Agency Document Number: 17DPURSMY1

October 27, 2016

Please Note: This is a single document associated with a complete Bid (also referred to as Solicitation) that can be found on [COMMBUYS](http://www.COMMBUYS.com) (www.COMMBUYS.com). All Bidders are responsible for reviewing and adhering to all information, forms and requirements for the entire Bid, which are all incorporated into the Bid. Bidders may also contact the COMMBUYS Helpdesk at COMMBUYS@state.ma.us or the COMMBUYS Helpline at 1-888-MA-STATE. The Helpline is staffed from 8:00 AM to 5:00 PM Monday through Friday Eastern Standard or Daylight time, as applicable, except on federal, state and Suffolk county holidays.

ASSESSMENT OF MBTA's GREEN LINE LIGHT RAIL TRACK SYSTEM

Table of Contents

I.	RFR INTRODUCTION AND GENERAL DESCRIPTION	4
1.1	Background Information	4
1.2	Procurement Scope and Description	4
1.2.1	Procurement Scope	4
1.2.2	Project Description	5
A.	Department Regulations	6
B.	Inspection and documentation of findings	6
C.	Project Considerations	6
D.	RFR Timeline	7
E.	Report	7
F.	Other Documents	7
G.	Design Service Tasks	7
H.	Progress Reports	7
I.	Meetings and Presentations	7
K.	Safety	8
L.	Work Restrictions	8
1.3	Applicable Procurement Law	8
1.4	Number of awards	8
1.5	Adding Contractors after initial Contract award	8
1.6	Eligible Entities	9
1.7	Acquisition Method(s)	9
1.8	Performance and Payment Time Frames Which Continue Beyond Duration of the Contract	9
1.9	Contract Duration	9
1.10	Estimated Value of the Contract	9
II.	SPECIFICATIONS	9
2.1	Bidder Qualifications	9
2.1.1	Company certifications and affiliations	9
2.1.2	Company experience	9
2.1.3	Financial stability including bankruptcy, litigation and contract defaults	10
2.1.4	References and reference information and/or requirements	10
2.1.5	Employee requirements	10
2.2	Environmental Specifications	10
2.2.1	Executive Order 515, Establishing an Environmental Purchasing Policy	10
2.2.2	Environmental plan	10
2.3	Compensation Structure/Pricing	10

ASSESSMENT OF MBTA's GREEN LINE LIGHT RAIL TRACK SYSTEM

2.3.1 Cost tables	10
2.3.2 Travel expenses and all other expenses	11
III. OTHER TERMS	11
3.1.1 Continued qualification based on performance	11
3.1.2 Reporting	11
3.1.3 Restrictions on Contract use.....	11
3.1.4 Security and confidentiality	12
3.1.5 Failure to perform contractual obligations	12
IV. EVALUATION CRITERIA.....	12
V. EVENT CALENDAR.....	12
VI. APPENDIX A – REQUIRED TERMS FOR ALL RFS.....	12
6.1 General Procurement Information.....	12
6.1.1 Access to security-sensitive information.....	12
6.1.2 Alterations	13
6.1.3 Ownership of Submitted Quotes.....	13
6.1.4 Prohibitions	13
6.2 Terms and Requirements Pertaining to Awarded Contracts	13
6.2.1 Commonwealth Tax Exemption.....	13
6.2.2 Contractor's Contact Information	14
VII. APPENDIX B – RFR –REQUIRED SPECIFICATIONS	14
VII. APPENDIX C – INSTRUCTIONS FOR EXECUTION AND SUBMISSION OF COMMONWEALTH STANDARD FORMS	20
7.1 Commonwealth Standard Contract Form	21
7.2 Commonwealth Terms and Conditions	21
7.3 Request for Taxpayer Identification Number and Certification (Mass. Substitute W9 Form)	22
7.4 Contractor Authorized Signatory Listing	22
7.5 Supplier Diversity Program Plan Form 1.....	22
7.6 Additional Environmentally Preferable Products / Practices	23
7.7 Prompt Payment Discount Form	23
7.8 Business Reference Form.....	23
VIII. APPENDIX D – INSTRUCTIONS FOR VENDORS RESPONDING TO BIDS ELECTRONICALLY THROUGH COMMBUYS.....	24
Introduction	24
Steps for Bidders to Submit a Quote	24
X. APPENDIX E – GLOSSARY	26

ASSESSMENT OF MBTA's GREEN LINE LIGHT RAIL TRACK SYSTEM

I. RFR INTRODUCTION AND GENERAL DESCRIPTION

1.1 Background Information

The Commonwealth of Massachusetts Department of Public Utilities (DPU) located in Boston, Massachusetts, is the designated State Safety Oversight Agency (SSOA) for the Massachusetts Bay Transportation Authority (MBTA), and is soliciting Bidders (or "CONSULTANT"), or qualified consulting engineering firms, for the acquisition of an analysis and assessment of the (MBTA) light rail, (Green Line) track system.

This bid does not commit the Commonwealth of Massachusetts (Commonwealth) or the Department of Public Utilities (DPU) to approve or pay any costs incurred in the preparation of a Bidder's response to this bid, or to procure or contract for products or services. DPU reserves the right to accept or reject any and all proposals received as a result of this bid and to contract for some, all or none of the products and services as a result of this bid. DPU further reserves the right to negotiate with any or all qualified Bidders and to cancel in part or in its entirety this bid if it is in the best interest of DPU or the Commonwealth of Massachusetts to do so.

DPU reserves the right to amend this bid at any time prior to the date the responses are due.

1.2 Procurement Scope and Description

1.2.1 Procurement Scope

The MBTA's Green Line is over (100) years old and is part of a legacy property with tunnel sections dating back from 1897, the oldest in America. As stated previously, the Green Line consists of four elevated or aboveground branches, routes B, C, D, and E, which diverge from the central subway line at Kenmore Station to service the western portion of the greater Boston metropolitan area.

The Light Rail track system consists of approximately (23) miles of track divided into four branches that merge in a Central Subway line. The Central Subway runs under downtown Boston and is comprised of (13) service stops over (4) miles of track. It uses a light rail configuration, fielding a rolling stock of streetcars that traverse a private right of way that periodically intersects with roadways and pedestrian crossings. The Green Line has the heaviest ridership of any system of its type in the country.

As a result of recent mainline derailments on the MBTA's Green Line that occurred on revenue track, the Department reviewed data which identified track deficiencies as one of the contributing factors in these derailments. The winning bidder will provide analysis and assessment of the (MBTA) light rail, (Green Line) track system.

This assessment should be designed to determine that the MBTA is in compliance with both the Department of Public Utilities, State Safety Oversight Program Standard, **(220 CMR Section 151.11, titled: Track Inspection, 151.12 titled: Track Maintenance)** and the MBTA's Track Standard, **(Maintenance of Way Division, Green Line - Light Rail, Track Maintenance and Safety Standards, Edition 2008.1 (5/08))**.

The qualified firms must have the requisite, demonstrated competence and experience in, and a thorough knowledge of the required engineering service required for the project. As such,

ASSESSMENT OF MBTA's GREEN LINE LIGHT RAIL TRACK SYSTEM

qualified firms must demonstrate service competency expertise in light rail engineering, inspection and assessment of light rail assets, and prepare and submit analytic reports. Qualified firms must not have entered into or be part of any open contracts with the MBTA.

The Department requires an independent subject matter expert (SME) to evaluate the light rail track system to assess compliance with DPU and MBTA track standards including but not limited to; track maintenance, track inspection, track department policy, rules, procedures, staffing, training and expertise.

This project will evaluate the current condition of revenue service track compared to the above referenced track standards and determine compliance with federal and state requirements. The limits for this study will be from all Green Line surface and elevated routes, D Line (Riverside), C Line (Cleveland Circle), B Line (Boston College), and E Line (Heath Street), as well as all underground tracks (central subway – Kenmore to North Station). Rail yards and other non-revenue tracks will be excluded for the purposes of this project.

1.2.2 Project Description

The project will evaluate the current condition of the Light Rail, Green Line track system based on 220 CMR 151.11, 220 CMR 151.12, and the Massachusetts Bay Transportation Authority, *Maintenance of Way Division, Green Line - Light Rail, Track Maintenance and Safety Standards, Edition 2008.1 (5/08)*.

The project will also evaluate the MBTA's ability to maintain the track system to an acceptable level going forward through a review of resources including but not limited to; manpower, procedures, policies, training programs, records systems, quality assurance program, maintenance, (including vehicles and equipment, etc.)

The project shall include a records review of all documents associated with track maintenance over a historical period of (24) months prior to the start of the project and continuing up to the start of the project.

The records review shall include the following documents but not limited to:

- Track System Reports
 - System Repair Persons' Inspection Reports
 - Switch Certification Reports
 - Ultrasound (Internal Defect) Reports
 - Geometry Car Reports
 - Optical Inspection Reports (Rail Profile/Gage face)
 - Work Generating and Follow Documents
 - Quality Assurance Reports
- Training Documents
 - Training Curriculum and Required Training for track system workers
 - Employee Training Records
 - Lesson Plans and Support Documents

The project shall include an inspection of certain portions of the track system (inclusive of all forms of track structure and all types of track components within the track system) to identify the condition of the track system.

This assessment shall evaluate the conditions of the following track system elements but not limited to:

• **Track Structure**

• **Track appliances**

ASSESSMENT OF MBTA's GREEN LINE LIGHT RAIL TRACK SYSTEM

<ul style="list-style-type: none"> ○ Ballast ○ Crossties ○ Defective Rails ○ Rail Wear ○ Rail End Mismatch ○ Restraining Rail ○ Restraining Rail Bolts ○ Continuous Welded Rail ○ Rail Joints ○ Torch Cut Rail ○ Ties Plates ○ Rail Anchoring ○ Rail Fastening Systems ○ Rail Shims ○ Turnouts and Track Crossings ○ Switches ○ Switch Cover Guards and Guarded Switch Points ○ Frogs ○ Frog Guard Check Gage 	<ul style="list-style-type: none"> ○ Weze Bonds and Cable Leads ○ Derailers • Inspection <ul style="list-style-type: none"> ○ Track Inspection ○ Switch Certification ○ Inspection of Rail ○ Inspection Records • Girder Rail Track Work <ul style="list-style-type: none"> ○ Track in Pavement ○ Girder Rail Special Track Work ○ Girder Rail Gages and Flangeways • Roadbed <ul style="list-style-type: none"> ○ Drainage ○ Vegetation • Track Geometry <ul style="list-style-type: none"> ○ Gage and gage transitions ○ Flangeway ○ Horizontal Track Alignment ○ Curves, Super-elevation and Speed Limitations ○ Elevation of Curved Track and Runoff ○ Track Surface ○ Clearances
--	---

The CONSULTANT shall determine if the MBTA's light rail revenue track is maintained to the authority's own track standard and is limited to *Green Line Light Rail Transit - Track Maintenance and Safety Standards* and the DPU's Track Standard, 220 CMR 151.11 and 151.12. The CONSULTANT will make recommendations to the DPU based on the results of the assessment.

A. Department Regulations

The Department is the designated State Safety Oversight (SSO) agency for the MBTA pursuant to M.G.L. c. 161A 3(i) and 49 C.F.R. Part 659. Track inspection is described at 220 CMR 151.11 Track Inspection and 151.12 Track Maintenance. The DPU regulations prescribe inspection and maintenance standards except as otherwise noted by the MBTA standards.

B. Inspection and documentation of findings

- A review of the track department's maintenance, inspection and training records from the past 24 months.
- A physical inspection of selected track.
- Provide a summary and recommended approach to resolve any findings

C. Project Considerations

- All personnel entering or working in the vicinity of the MBTA Right of Way (ROW) must have a valid MBTA ROW license. An eight hour ROW training course can be obtained by contacting the Massachusetts Bay Transportation Authority's (MBTA) Training School. Classes are conducted on Wednesday and Friday at the Cabot Garage 275 Dorchester Avenue Boston MA. Call 617-222-5377 to schedule a class. The CONSULTANT will be required to strictly adhere to the MBTA's ROW rules and orders.

ASSESSMENT OF MBTA's GREEN LINE LIGHT RAIL TRACK SYSTEM

- The CONSULTANT will be required to use flag protection when working on the ROW during revenue service. In order to conduct work on the ROW, the CONSULTANT must contact the MBTA Trackmaster to be placed on the DAY and NIGHT ORDERS.
- The CONSULTANT must coordinate with the MBTA Operations Control Center prior to entering the ROW at any time during the project

D. RFR Timeline

Solicitation Deadline: 4:00 pm on Friday November 25th, 2016. The DPU anticipates selecting a consultant upon completion of the evaluation and qualifying process. See section V event calendar.

E. Report

The CONSULTANT shall prepare the Report using the current versions of Microsoft and Adobe Acrobat software utilized by the Department.

- Both the hard copy and electronic copies of the report shall be assembled in such a way as to allow the reader to easily locate the desired asset and supporting information.

The following deliverables shall be provided to the Department:

- Four (4) hard-copy's of the Report submission shall be provided.
- Electronic (Flash Drive or CD or DVD) containing all original documents in the appropriate format, that is, ".docx", ".xlsx", or ".mpp" and all documents in ".pdf" format.

CONSULTANT shall pay for all reproduction, printing and distribution cost associated with the report.

F. Other Documents

At the completion of the Report, the CONSULTANT shall prepare and provide all other submissions, i.e. calculations and the final Report (Flash Drive or CD or DVD) as well as hard copies.

G. Design Service Tasks

- Design services for the project shall consist of investigation, analysis, draft report, final report, presentation of report and recommendations.
- CONSULTANT shall provide detailed supporting documentation to back the recommendations.

H. Progress Reports

The CONSULTANT shall deliver weekly progress reports via conference call with DPU staff specifying the work which has been completed and scheduled to be completed. The CONSULTANT shall also submit bi-weekly summaries. The summaries may be submitted electronically or hard copy. The CONSULTANT will: report manpower use in terms of hours spent, percentage of budget spent and percent of project completion; report decisions made and work progress during period; detail the work scheduled for next period; report problems and open issues.

I. Meetings and Presentations

CONSULTANT shall attend an introductory meeting with the DPU to report on proposed actions as well as periodic coordination meetings as may be required and/or directed, and shall attend and chair formal review meetings for any project specific milestone. Take notes and distribute draft minutes of all presentations and meetings for review, address comments received, and



ASSESSMENT OF MBTA's GREEN LINE LIGHT RAIL TRACK SYSTEM

distribute final minutes within five working days to maintain the effectiveness of the effort and the schedule of the project. The consultant shall provide a presentation to DPU on findings, data, conclusions and recommendations.

J. Document Archiving

The CONSULTANT shall prepare documents for archiving. Items to be included, but not be limited to, are correspondence and minutes. CONSULTANT shall also review all documents for project closeout for content and elimination of duplicates. Items previously included in submissions are not required to be re-submitted.

Items shall be archived on electronic (Flash Drive or CD or DVD), containing the original documents in their appropriate format, that is, ".docx", ".xlsx", or ".mpp" and all documents in ".pdf" format.

K. Safety

The CONSULTANT must work under flagging protection on the ROW in accordance with the MBTA's Right of WAY (ROW) Safety Rulebook 3rd edition. The CONSULTANT will be provided with copies of the rulebook and requisite information for scheduling the use of Flag Persons.

The Consultant's personnel on the Right Of Way (ROW) must have:

1. An MBTA Safety approved reflective, high visible safety garment or vest
2. A working flashlight (Cell Phone, pen light, laser pointer or any other device other than a recognized industry standard flashlight is *prohibited* for use as a required PPE)
3. A whistle
4. Valid ROW card
5. Safety Glasses (ANSI Z87.1)
6. An OSHA approved hard hat

L. Work Restrictions

The CONSULTANT should complete the assessment in within 60 days. The DPU reserves the right to extend the time needed to complete the assessment. The CONSULTANT must coordinate with MBTA Operations and Engineering and Maintenance to ensure maximum allowable track time in order to perform the assessment.

M. Catenary System

High-voltage (600v DC) electrical catenary lines are "live" at all times. Green Line Traction Power System is overhead catenary wire.

1.3 Applicable Procurement Law

- MGL c. 7, § 22; c. 30, § 51, § 52; and 801 CMR 21.00 (Goods and Services)

1.4 Number of awards

The target maximum number of Contractors is one (1). This is a target number; the Strategic Sourcing Team (SST) may award more or fewer, Contracts if it is in the best interests of the Commonwealth to do so.

1.5 Adding Contractors after initial Contract award

If, over the life of the Contract, the Strategic Sourcing Team (SST) determines that additional Contractors should be added, these may first be drawn from qualified companies which responded to this Bid but were not awarded contracts. If necessary to meet the requirements of the Commonwealth, the Bid may be reopened to obtain additional Quotes.

ASSESSMENT OF MBTA's GREEN LINE LIGHT RAIL TRACK SYSTEM

1.6 Eligible Entities

Any contract resulting from this Bid will be open for use to the Issuing Entity Only.

1.7 Acquisition Method(s)

The acquisition method(s) to acquire goods and/or services from this Bid are Fee for Service.

1.8 Performance and Payment Time Frames Which Continue Beyond Duration of the Contract

All term leases, rentals, maintenance or other agreements for services entered into during the duration of this contract and whose performance and payment time frames extend beyond the duration of this contract shall remain in effect for performance and payment purposes (limited to the time frame and services established per each written agreement). No new leases, rentals, maintenance or other agreements for services may be executed after the contract has expired. Any contract termination or suspension pursuant to this section shall not automatically terminate any leases, rentals, maintenance or other agreements for services already in place unless the department also terminates said leases, rentals, maintenance or other agreements for service, which were executed pursuant to the main contract.

1.9 Contract Duration

The expected duration of this contract is as follows:

Initial Duration: Approval Date to: 06/30/2017

Renewal Options: ☐ Yes ☒ No

If yes: # of Renewals *up to a maximum of 12 months for each renewal option

Renewal Dates: From: to

1.10 Estimated Value of the Contract

The estimated value of the services resulting from this Bid is \$150,000.00 to \$200,000.00. The Commonwealth makes no guarantee that any services will be purchased from any Contract resulting from this Bid. Any estimates or past procurement volumes referenced in this Bid are included only for the convenience of Bidders, and are not to be relied upon as any indication of future purchase levels.

Preference will be given to the bidder who provides best value in their proposal.

II. SPECIFICATIONS

Additional required terms appear in the Appendices to this RFR.

2.1 Bidder Qualifications

2.1.1 Company certifications and affiliations

- Authorization letters from Manufacturers or Dealers
- Company affiliations
- Statutory, certification and license requirements

2.1.2 Company experience

- Business background
- Years in business
- Years in the industry of the Bid

ASSESSMENT OF MBTA's GREEN LINE LIGHT RAIL TRACK SYSTEM

- Organizational chart

2.1.3 Financial stability including bankruptcy, litigation and contract defaults

- Most current audited annual financial statements
- Gross annual revenue for most recently completed fiscal year
- Last bankruptcy and current/pending litigation
- Defaults on contracts
- Current days to pay <supplier invoices>
- Date of last order

2.1.4 References and reference information and/or requirements

- Largest customers in MA if applicable
- Largest state government customers if applicable

2.1.5 Employee requirements

- Employee technical/business experience, certifications, licenses
- Resumes
- Background/CORI check requirements

2.2 Environmental Specifications

2.2.1 Executive Order 515, Establishing an Environmental Purchasing Policy

Products and services purchased by state agencies must be in compliance with Executive Order 515, issued October 27, 2009. Under this Executive Order, Executive Departments are required to reduce their impact on the environment and enhance public health by procuring environmentally preferable products and services (EPPs) whenever such products and services perform to satisfactory standards and represent best value, consistent with 801 CMR 21.00. In line with this directive, all contracts, whether departmental or statewide, must comply with the specifications and guidelines established by OSD and the EPP Program. EPPs are considered to be products and services that help to conserve natural resources, reduce waste, protect public health and the environment, and promote the use of clean technologies, recycled materials, and less toxic products. Questions concerning the EO or the appropriate specifications may be directed to OSD's EPP Procurement Program, www.mass.gov/epp. The Order can be seen at http://www.mass.gov/Agov3/docs/Executive%20Orders/executive_order_515.pdf.

2.2.2 Environmental plan

Beginning the first year of the Contract and throughout the life of the Contract, awarded Bidders **must** agree to work with the SST to examine the feasibility of implementing an environmental plan. The objective of this requirement is to actively encourage suppliers to incorporate sustainable practices throughout their business operations and further market such practices to Contract users. Such a plan may include, but not be limited to, the following:

- Using alternative fuel vehicles for delivery or transportation purposes and/or vehicles equipped with diesel emission control devices and operating such vehicles with guidance on anti-idling initiatives.
- Working with the SST to develop and distribute information and/or materials to Commonwealth customers on the Awarded Bidder's environmental practices and initiatives throughout the term of the Contract.

2.3 Compensation Structure/Pricing

2.3.1 Cost tables

The Bidder shall provide Cost Table, which is the Fixed Price Milestone Cost Table for deliverable based Milestone. Bidders shall submit a fixed price, all inclusive cost proposal for the tasks and



ASSESSMENT OF MBTA's GREEN LINE LIGHT RAIL TRACK SYSTEM

deliverables necessary to meet the requirements of this bid including Future Needs Functionality requirements. The fixed price for each identified Milestone shall be an all inclusive cost proposal, including all fully loaded staffing, desktop, telecommunications and office related costs, as well as travel and expenses.

In addition to completing the Cost Tables, the Bidder shall include the following information within the cost response:

- Provide a list of assumptions concerning DPU responsibilities, including assumptions regarding the number and functions of DPU staff needed to support the project and the timeframes within which such staff are requested to be available (i.e., number of hours per week per staff person based on function).
- Provide as specific a listing as possible of the types of materials that the Bidder would want DPU to provide in support of this initiative

2.3.2 Travel expenses and all other expenses

Commuting expenses

- Commuting expenses will not be reimbursed.

Standard Business Expenses

- Standard Business Expenses may be allowed with prior authorization from a Commonwealth Agency but in no case will the amount be more than that allowed for Commonwealth of Massachusetts employees. (Search the [Human Resources Division \(HRD\)](#) website at www.mass.gov/hrd for the term "Red Book.")

Reimbursable Expenses

- All or some of the expenses below may be allowed with prior authorization from the Commonwealth Agency, but in no case will the amount be more than that allowed for Commonwealth of Massachusetts employees. (Search the [Human Resources Division \(HRD\)](#) website at www.mass.gov/hrd for the term "Red Book.")
 - Travel
 - Meals
 - Lodging
 - Incidental
 - Other expenses

III. OTHER TERMS

3.1.1 Continued qualification based on performance

3.1.2 Reporting

Contractors are responsible for compliance with all other contract reporting requirements including, but not limited to, Supplier Diversity Program (SDP) and other contract reports, as required by this contract.

3.1.3 Restrictions on Contract use

N/A



ASSESSMENT OF MBTA's GREEN LINE LIGHT RAIL TRACK SYSTEM

3.1.4 Security and confidentiality

The Contractor shall comply fully with all security procedures of the Commonwealth and Commonwealth Agencies in performance of the Contract. The Contractor shall not divulge to third parties any confidential information obtained by the Contractor or its agents, distributors, resellers, subcontractors, officers or employees in the course of performing Contract work, including, but not limited to, security procedures, business operations information, personally identifiable information, or commercial proprietary information in the possession of the Commonwealth Agency.

3.1.5 Failure to perform contractual obligations

- Termination
- Suspension
- Adding additional contractors
- Cover/Replacement Costs
- Liquidated Damages

IV. EVALUATION CRITERIA

Bidder scores will be used to rank Bidders and will determine which Bidders will proceed to subsequent stages of the evaluation and/or enter into negotiations with the Commonwealth to receive a Contract award. See detailed evaluation criteria score card in attachment section of this bid.

V. EVENT CALENDAR

CALENDAR EVENT	DATE	TIME
RFQ Posting and Release	10/27/2016	3:00 PM
Questions due	12/12/2016	5:00 PM
Answers Posted in COMMBUY	12//2016	5:00 PM
RFQ Responses Due	12/16/2016	4:00 PM

Questions must be emailed to meng.you@state.ma.us no later than **11/11/2016 @ 5:00 PM**; the subject line of the email must read 17DPURSMY1 . It is the Bidder's responsibility to verify the receipt of their questions. No acknowledgement Email will be sent.

VI. APPENDIX A – REQUIRED TERMS FOR ALL RFS

6.1 General Procurement Information

6.1.1 Access to security-sensitive information

Bidders agree to adhere to this section in the event that an eligible entity provides a Contractor with security-sensitive information which, pursuant to MGL c. 4, § 7, cls. 26(n), is generally exempt from public disclosure under the Commonwealth's public records laws and must, for public safety purposes, be safeguarded from widespread public disclosure. This security-sensitive information is in the form of blueprints, plans, policies, procedures, schematic drawings, which relate to internal layout and structural elements, security measures, emergency preparedness, threat or vulnerability assessments, and/or any other records relating to the security or safety of persons (pursuant to MGL c. 66A) or buildings, structures, facilities, utilities,



ASSESSMENT OF MBTA's GREEN LINE LIGHT RAIL TRACK SYSTEM

transportation, information technology or other infrastructure located within the Commonwealth. Qualified prospective Bidders that are interested in accessing this information for the purpose of preparing a Quote must, before being allowed to access the information, sign a confidentiality agreement, thereby agreeing to:

- restrict the use of these sensitive records for any other purpose than as authorized and for the purpose of putting together a bid proposal;
- safeguard the information while it is in their possession (consistent with Section 6 of the Commonwealth Terms and Conditions); and
- return such records and materials to the Commonwealth upon completion of the project.

6.1.2 Alterations

Bidders may not alter (manually or electronically) the Bid language or any Bid component files, except as directed in the RFR. Modifications to the body of the Bid, specifications, terms and conditions, or which change the intent of this Bid are prohibited and may disqualify a Quote.

6.1.3 Ownership of Submitted Quotes

The SST shall be under no obligation to return any Quotes or materials submitted by a Bidder in response to this Bid. All materials submitted by Bidders become the property of the Commonwealth of Massachusetts and will not be returned to the Bidder. The Commonwealth reserves the right to use any ideas, concepts, or configurations that are presented in a Bidder's Quote, whether or not the Quote is selected for Contract award.

Quotes stored on COMMBUYS in the encrypted lock-box are the file of record. Bidders retain access to a read-only copy of this submission via COMMBUYS, as long as their account is active. Bidders may also retain a traditional paper copy or electronic copy on a separate computer or network drive or separate media, such as CD or DVD, as a backup.

6.1.4 Prohibitions

Bidders are prohibited from communicating directly with any employee of the procuring Department or any member of the SST regarding this RFR except as specified in this RFR, and no other individual Commonwealth employee or representative is authorized to provide any information or respond to any question or inquiry concerning this RFR. Bidders may contact the contact person using the contact information provided in the Header Information this Bid in the event that this RFR is incomplete or information is missing. Bidders experiencing technical problems accessing information or attachments stored on COMMBUYS should contact the [COMMBUYS Helpdesk](#) (see the document cover page for contact information).

In addition to the certifications found in the Commonwealth's Standard Contract Form, by submitting a Quote, the Bidder certifies that the Quote has been arrived at independently and has been submitted without any communication, collaboration, or without any agreement, understanding or planned common course or action with, any other Bidder of the commodities and/or services described in the RFR.

6.2 Terms and Requirements Pertaining to Awarded Contracts

6.2.1 Commonwealth Tax Exemption

Invoices or invoices submitted to Massachusetts government entities must not include sales tax

ASSESSMENT OF MBTA's GREEN LINE LIGHT RAIL TRACK SYSTEM

6.2.2 Contractor's Contact Information

It is the Contractor's responsibility to keep the Contractor's Contract Manager information current. If this information changes, the Contractor must notify the Contract Manager by email immediately, using the address located in the Header Information of the Purchase Order or Master Blanket Purchase Order on COMMBUYS.

The Commonwealth assumes no responsibility if a Contractor's designated email address is not current, or if technical problems, including those with the Contractor's computer, network or internet service provider (ISP), cause e-mail communications between the Bidder and the SST to be lost or rejected by any means including email or spam filtering.

6.2.3 Publicity

Any Contractor awarded a contract under this Bid is prohibited from selling or distributing any information collected or derived from the Contract, including lists of participating Eligible Entities, Commonwealth employee names, telephone numbers or addresses, or any other information except as specifically authorized by the SST.

VII. APPENDIX B – RFR –REQUIRED SPECIFICATIONS

In general, most of the required contractual stipulations are referenced in the *Standard Contract Form and Instructions* and the *Commonwealth Terms and Conditions* (either version). However, the following RFR provisions must appear in all Commonwealth competitive procurements conducted under 801 CMR 21.00:

The terms of 801 CMR 21.00: *Procurement of Commodities and Services* (and 808 CMR 1.00: *Compliance, Reporting and Auditing for Human and Social Services*, if applicable) are incorporated by reference into this RFR. Words used in this RFR shall have the meanings defined in 801 CMR 21.00 (and 808 CMR 1.00, if applicable). Additional definitions may also be identified in this RFR. Other terms not defined elsewhere in this document may be defined in OSD's [Glossary of Terms](#). Unless otherwise specified in this RFR, all communications, responses, and documentation must be in English, all measurements must be provided in feet, inches, and pounds and all cost proposals or figures in U.S. currency. All responses must be submitted in accordance with the specific terms of this RFR.

Items with the text, "*☞ Required for POS Only*" specify a requirement for Purchase of Service (POS) human and social services procured under 801 CMR 21.00, *Procurement of Commodities or Services, Including Human and Social Services* and 808 CMR 1.00, *Compliance, Reporting and Auditing for Human and Social Service*.

COMMBUYS Market Center. COMMBUYS is the official source of information for this Bid and is publicly accessible at no charge at www.commbuys.com. Information contained in this document and in COMMBUYS, including file attachments, and information contained in the related Bid Questions and Answers (Q&A), are all components of the Bid, as referenced in COMMBUYS, and are incorporated into the Bid and any resulting contract.

Bidders are solely responsible for obtaining all information distributed for this Bid via COMMBUYS. Bid Q&A supports Bidder submission of written questions associated with a Bid and publication of official answers.

It is each Bidder's responsibility to check COMMBUYS for:

- Any amendments, addenda or modifications to this Bid, and
- Any Bid Q&A records related to this Bid.

ASSESSMENT OF MBTA's GREEN LINE LIGHT RAIL TRACK SYSTEM

The Commonwealth accepts no responsibility and will provide no accommodation to Bidders who submit a Quote based on an out-of-date Bid or on information received from a source other than COMMBUYS.

COMMBUYS Registration. Bidders may elect to obtain a free COMMBUYS Seller registration which provides value-added features, including automated email notification associated with postings and modifications to COMMBUYS records. However, in order to respond to a Bid, Bidders must register and maintain an active COMMBUYS Seller account.

All Bidders submitting a Quote (previously referred to as Response) in response to this Bid (previously referred to as Solicitation) agree that, if awarded a contract: (1) they will maintain an active seller account in COMMBUYS; (2) they will, when directed to do so by the procuring entity, activate and maintain a COMMBUYS-enabled catalog using Commonwealth Commodity Codes; (3) they will comply with all requests by the procuring entity to utilize COMMBUYS for the purposes of conducting all aspects of purchasing and invoicing with the Commonwealth, as added functionality for the COMMBUYS system is activated; (4) Bidder understands and acknowledges that all references to the Comm-PASS website or related requirements throughout this RFR, shall be superseded by comparable requirements pertaining to the COMMBUYS website; and (6) in the event the Commonwealth adopts an alternate market center system, successful Bidders will be required to utilize such system, as directed by the procuring entity. Commonwealth Commodity Codes are based on the United Nations Standard Products and Services Code (UNSPSC).

The COMMBUYS system introduces new terminology, which bidders must be familiar with in order to conduct business with the Commonwealth. To view this terminology and to learn more about the COMMBUYS system, please visit the [COMMBUYS Resource Center](#).

Multiple Quotes. Bidders may not submit Multiple Quotes in response to a Bid unless the RFR authorizes them to do so. If a Bidder submits multiple quotes in response to an RFR that does not authorize multiple responses, only the latest dated quote submitted prior to the bid opening date will be evaluated.

Quote Content. Bid specifications for delivery, shipping, billing and payment will prevail over any proposed Bidder terms entered as part of the Quote, unless otherwise specified in the Bid.

Supplier Diversity Program (SDP). Massachusetts Executive Order 524 established a policy to promote the award of state contracts in a manner that develops and strengthens Minority and Women Business Enterprises (M/WBEs) that resulted in the Supplier Diversity Program in Public Contracting. M/WBEs are strongly encouraged to submit responses to this RFR, either as prime vendors, joint venture partners or other type of business partnerships. Similarly, Executive Order 546 established the Service-Disabled Veteran-Owned Business Enterprise (SDVOBE) Program to encourage the participation of businesses owned and controlled by service-disabled veterans in all areas of state procurement and contracting, thereby including them in the SDP. All bidders must follow the requirements set forth in the SDP section of the RFR, which will detail the specific requirements relating to the prime vendor's inclusion of M/WBEs and/or SDVOBEs. Bidders are required to develop creative initiatives to help foster new business relationships with M/WBEs and/or SDVOBEs within the primary industries affected by this RFR. In order to satisfy the compliance of this section and encourage bidder's participation of SDP objectives, the Supplier Diversity Program (SDP) Plan for large procurements greater than \$150,000 will be evaluated at 10% or more of the total evaluation. Once an SDP commitment, expressed as a percentage of contract revenues, is approved, the agency will then monitor the contractor's performance, and use actual expenditures with SDO certified M/WBE contractors and the Center for Veterans Enterprise certified SDVOBEs to fulfill their own SDP expenditure benchmarks. M/WBE and SDVOBE participation must be incorporated into and monitored for all types of procurements regardless of size; however, submission of an SDP Plan is mandated only for large procurements over \$150,000.

ASSESSMENT OF MBTA's GREEN LINE LIGHT RAIL TRACK SYSTEM

Unless otherwise specified in the RFR, the following SDP forms are required to be submitted by the deadlines noted below in order to meet the mandatory participation requirements of the SDP:

SDP Plan Form #/Name	Submitted By	When Submitted
SDP Plan Form #1 – SDP Plan Commitment	All Bidders	With Bid Response
SDP Plan Form #2 – Declaration of SDP Partners	Newly Awarded Contractors	Within 30 days of contract execution
SDP Plan Form #3 – SDP Spending Report	Contractors	Within 45 days of the end of each quarter

Supplier Diversity Program (SDP) Resources:

- Resources available to assist Prime Bidders in finding potential **Minority Business Enterprises (MBE)** and **Women Business Enterprises (WBE)** partners can be found at: www.mass.gov/sdp
- Resources available to assist Prime Bidders in finding potential **Service-Disabled Veteran-Owned Business Enterprise (SDVOBE)** partners can be found on the Operational Services Division's SDO webpage at: www.mass.gov/sdo
- The Operational Services Division's Supplier Diversity Program offers training on the SDP Plan requirements. The dates of upcoming trainings can be found at: <http://www.mass.gov/anf/budget-taxes-and-procurement/procurement-info-and-res/osd-events-and-training/osd-training-and-outreach.html> In addition, the SDP Webinar can be located on the SDP website at www.mass.gov/SDP.

Supplier Diversity Program Subcontracting Policies. In addition to the Subcontracting Policies (See Subcontracting Policies section below and see Section 9, Subcontracting By Contractor, in the Commonwealth Terms and Conditions) that apply to all subcontracted services, agencies may define specific required deliverables for a contractor's SDP Plan, including, but not limited to, documentation necessary to verify subcontractor commitments and expenditures with Minority- or Women-Owned Business Enterprises (M/WBEs) and Service-Disabled Veteran-Owned Business Enterprises (SDVOBE) for the purpose of monitoring and enforcing commitments made in a contractor's Supplier Diversity Program (SDP) Plan.

Agricultural Products Preference (only applicable if this is a procurement for Agricultural Products) - Chapter 123 of the Acts of 2006 directs the State Purchasing Agent to grant a preference to products of agriculture grown or produced using locally grown products. Such locally grown or produced products shall be purchased unless the price of the goods exceeds the price of products of agriculture from outside the Commonwealth by more than 10%. For purposes of this preference, products of agriculture are defined to include any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products, the raising of livestock, including horses, raising of domesticated animals, bees, fur-bearing animals and any forestry or lumbering operations.

Best Value Selection and Negotiation. The Strategic Sourcing Team or SST (formerly referred to as Procurement Management Team or PMT) may select the response(s) which demonstrates the best value overall, including proposed alternatives that will achieve the procurement goals of the department. The SST and a selected bidder, or a contractor, may negotiate a change in any element of contract performance or cost identified in the original RFR or the selected bidder's or contractor's response which results in lower costs or a more cost effective or better value than was presented in the selected bidder's or contractor's original response.

Bidder Communication. Bidders are prohibited from communicating directly with any employee of the procuring department or any member of the SST regarding this RFR except as specified in this RFR, and no other individual Commonwealth employee or representative is authorized to provide any information or respond to any question or inquiry concerning this RFR. Bidders may contact the contact person for this

ASSESSMENT OF MBTA's GREEN LINE LIGHT RAIL TRACK SYSTEM

RFR in the event this RFR is incomplete or the bidder is having trouble obtaining any required attachments electronically through COMMBUYS.

Contract Expansion. If additional funds become available during the contract duration period, the department reserves the right to increase the maximum obligation to some or all contracts executed as a result of this RFR or to execute contracts with contractors not funded in the initial selection process, subject to available funding, satisfactory contract performance and service or commodity need.

Costs. Costs which are not specifically identified in the bidder's response, and accepted by a department as part of a contract, will not be compensated under any contract awarded pursuant to this RFR. The Commonwealth will not be responsible for any costs or expenses incurred by bidders responding to this RFR.

Debriefing. *☞ Required for POS Only. This is an optional specification for non-POS RFRs.* Non-successful bidders may request a debriefing from the department that issued the RFR. Department debriefing procedures may be found in the RFR. Non-successful POS bidders aggrieved by the decision of a department must participate in a debriefing as a prerequisite to an administrative appeal.

Debriefing/Appeals: Administrative Appeals to Departments. *☞ Required for POS Only. Not applicable to non-POS bidders.* Non-successful bidders who participate in the debriefing process and remain aggrieved with the decision of the department may appeal that decision to the department head. Department appeal procedures may be found in the RFR.

Debriefing/Appeals: Administrative Appeals to OSD. *☞ Required for POS Only. Not applicable to non-POS bidders.* Non-successful bidders who participate in the department appeal process and remain aggrieved by the selection decision of the department may appeal the department decision to the Operational Services Division. The basis for an appeal to OSD is limited to the following grounds:

- The competitive procurement conducted by the department failed to comply with applicable regulations and guidelines. These would be limited to the requirements of 801 CMR 21.00 or any successor regulations, the policies in the OSD Procurement Information Center, subsequent policies and procedures issued by OSD and the specifications of the RFR; or
2. There was a fundamental unfairness in the procurement process. The allegation of unfairness or bias is one that is easier to allege than prove, consequently, the burden of proof rests with the bidder to provide sufficient and specific evidence in support of its claim. OSD will presume that departments conducted a fair procurement absent documentation to the contrary.

Requests for an appeal must be sent to the attention of the Operational Services Division, Legal, Policy and Compliance Office, Room 1017, One Ashburton Place, Boston, MA 02108 and be received within fourteen (14) calendar days of the postmark of the notice of the department head's decision on appeal. Appeal requests must specify in sufficient detail the basis for the appeal. Sufficient detail requires a description of the published policy or procedure which was applied and forms the basis for the appeal and presentation of all information that supports the claim under paragraphs 1 or 2 above. OSD reserves the right to reject appeal requests based on grounds other than those stated above or those submitted without sufficient detail on the basis for the appeal.

The decision of the Operational Services Division shall be rendered, in writing, setting forth the grounds for the decision within sixty (60) calendar days of receipt of the appeal request. Pending appeals to the Operational Services Division shall not prohibit the department from proceeding with executing contracts.

Electronic Communication/Update of Bidder's/Contractor's Contact Information. It is the responsibility of the prospective bidder and awarded contractor to keep current on COMMBUYS the email address of the bidder's contact person and prospective contract manager, if awarded a contract, and to monitor that email inbox for communications from the SST, including requests for clarification. The SST and the

ASSESSMENT OF MBTA's GREEN LINE LIGHT RAIL TRACK SYSTEM

Commonwealth assume no responsibility if a prospective bidder's/awarded contractor's designated email address is not current, or if technical problems, including those with the prospective bidder's/awarded contractor's computer, network or internet service provider (ISP) cause email communications sent to/from the prospective bidder/awarded contractor and the SST to be lost or rejected by any means including email or spam filtering.

Electronic Funds Transfer (EFT). All bidders responding to this RFR must agree to participate in the Commonwealth Electronic Funds Transfer (EFT) program for receiving payments, unless the bidder can provide compelling proof that it would be unduly burdensome. EFT is a benefit to both contractors and the Commonwealth because it ensures fast, safe and reliable payment directly to contractors and saves both parties the cost of processing checks. Contractors are able to track and verify payments made electronically through the Comptroller's Vendor Web system. A link to the EFT application can be found on the [OSD Forms](http://www.mass.gov/osd) page (www.mass.gov/osd). Additional information about EFT is available on the [VendorWeb](http://www.mass.gov/osc) site (www.mass.gov/osc). Click on MASSfinance.

Successful bidders, upon notification of contract award, will be required to enroll in EFT as a contract requirement by completing and submitting the *Authorization for Electronic Funds Payment Form* to this department for review, approval and forwarding to the Office of the Comptroller. If the bidder is already enrolled in the program, it may so indicate in its response. Because the *Authorization for Electronic Funds Payment Form* contains banking information, this form, and all information contained on this form, shall not be considered a public record and shall not be subject to public disclosure through a public records request.

The requirement to use EFT may be waived by the SST on a case-by-case basis if participation in the program would be unduly burdensome on the bidder. If a bidder is claiming that this requirement is a hardship or unduly burdensome, the specific reason must be documented in its response. The SST will consider such requests on a case-by-case basis and communicate the findings with the bidder.

Environmental Response Submission Compliance. In the event that paper submissions are required and in an effort to promote greater use of recycled and environmentally preferable products and minimize waste, all required paper responses that are submitted should comply with the following guidelines:

- All copies should be printed double sided.
- All submittals and copies should be printed on recycled paper with a minimum post-consumer content of 30% or on tree-free paper (i.e. paper made from raw materials other than trees, such as kenaf). To document the use of such paper, a photocopy of the ream cover/wrapper should be included with the response.
- Unless absolutely necessary, all responses and copies should minimize or eliminate use of non-recyclable or non re-usable materials such as plastic report covers, plastic dividers, vinyl sleeves and GBC binding. Three ringed binders, glued materials, paper clips and staples are acceptable.
- Bidders should submit materials in a format which allows for easy removal and recycling of paper materials.
- Bidders are encouraged to use other products which contain recycled content in their response documents. Such products may include, but are not limited to, folders, binders, paper clips, diskettes, envelopes, boxes, etc. Where appropriate, bidders should note which products in their responses are made with recycled materials.
- Unnecessary samples, attachments or documents not specifically asked for should not be submitted.

Executive Order 509, Establishing Nutrition Standards for Food Purchased and Served by State Agencies. Food purchased and served by state agencies must be in compliance with Executive Order 509, issued in January 2009. Under this Executive Order, all contracts resulting from procurements posted after July 1, 2009 that involve the purchase and provision of food must comply with nutrition guidelines established by the Department of Public Health (DPH). The nutrition guidelines are available

ASSESSMENT OF MBTA's GREEN LINE LIGHT RAIL TRACK SYSTEM

at the Department's website: [Executive Order # 509 Guidance](#).

Filing Requirements. *Required for POS Only. Not applicable to non-POS bidders.* Successful bidders must have filed their Uniform Financial Statements and Independent Auditor's Report (UFR), as required for current contractors, with the Operational Services Division via the Internet using the UFR eFiling application for the most recently completed fiscal year before a contract can be executed and services may begin. Other contractor qualification/risk management reporting requirements and non-filing consequences promulgated by secretariats or departments pursuant to 808 CMR 1.04(3) may also apply. In the event immediate services are required by a department, a contract may be executed and services may begin with the approval of OSD and the appropriate secretariat. However, unless authorized by OSD and the appropriate secretariat, the contractor will not be paid for any such services rendered until the UFR has been filed.

HIPAA: Business Associate Contractual Obligations. Bidders are notified that any department meeting the definition of a Covered Entity under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) will include in the RFR and resulting contract sufficient language establishing the successful bidder's contractual obligations, if any, that the department will require in order for the department to comply with HIPAA and the privacy and security regulations promulgated thereunder (45 CFR Parts 160, 162, and 164) (the Privacy and Security Rules). For example, if the department determines that the successful bidder is a business associate performing functions or activities involving protected health information, as such terms are used in the Privacy and Security Rules, then the department will include in the RFR and resulting contract a sufficient description of business associate's contractual obligations regarding the privacy and security of the protected health information, as listed in 45 CFR 164.314 and 164.504 (e), including, but not limited to, the bidder's obligation to: implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of the protected health information (in whatever form it is maintained or used, including verbal communications); provide individuals access to their records; and strictly limit use and disclosure of the protected health information for only those purposes approved by the department. Further, the department reserves the right to add any requirement during the course of the contract that it determines it must include in the contract in order for the department to comply with the Privacy and Security Rules. Please see other sections of the RFR for any further HIPAA details, if applicable.

Minimum Quote (Bid Response) Duration. Bidders Quotes made in response to this Bid must remain in effect for at least 90 days from the date of quote submission.

Prompt Payment Discounts (PPD). All bidders responding to this procurement must agree to offer discounts through participation in the Commonwealth Prompt Payment Discount (PPD) initiative for receiving early and/or on-time payments, unless the bidder can provide compelling proof that it would be unduly burdensome. PPD benefits both contractors and the Commonwealth. Contractors benefit by increased, usable cash flow as a result of fast and efficient payments for commodities or services rendered. Participation in the Electronic Funds Transfer initiative further maximizes the benefits with payments directed to designated accounts, thus eliminating the impact of check clearance policies and traditional mail lead time or delays. The Commonwealth benefits because contractors reduce the cost of products and services through the applied discount. Payments that are processed electronically can be tracked and verified through the Comptroller's Vendor Web system. The PPD form can be found as an attachment for this Bid on [COMMBUYS](#).

Bidders must submit agreeable terms for Prompt Payment Discount using the PPD form within their proposal, unless otherwise specified by the SST. The SST will review, negotiate or reject the offering as deemed in the best interest of the Commonwealth.

The requirement to use PPD offerings may be waived by the SST on a case-by-case basis if participation in the program would be unduly burdensome on the bidder. If a bidder is claiming that this requirement is a

ASSESSMENT OF MBTA's GREEN LINE LIGHT RAIL TRACK SYSTEM

hardship or unduly burdensome, the specific reason must be documented in or attached to the PPD form.

Provider Data Management. ☞ *Required for POS Only. Not applicable to non-POS bidders.* The Executive Office of Health and Human Services (EOHHS) has established a Provider Data Management (PDM) business service that is integrated into the Virtual Gateway. PDM is accessible by providers with current POS contracts. Departments may require that bidders with current POS contracts submit certain RFR-required documents through PDM. These documents have been specified in the RFR. When submitting documents via PDM, bidders are required to print and sign a PDM Documentation Summary. PDM users should verify that all information is accurate and current in PDM. Bidders are required to include the signed PDM Documentation Summary in their RFR response.

Public Records. All responses and information submitted in response to this RFR are subject to the Massachusetts Public Records Law, M.G.L., c. 66, s. 10, and to c. 4, s. 7, ss. 26. Any statements in submitted responses that are inconsistent with these statutes shall be disregarded.

Reasonable Accommodation. Bidders with disabilities or hardships that seek reasonable accommodation, which may include the receipt of RFR information in an alternative format, must communicate such requests in writing to the contact person. Requests for accommodation will be addressed on a case by case basis. A bidder requesting accommodation must submit a written statement which describes the bidder's disability and the requested accommodation to the contact person for the RFR. The SST reserves the right to reject unreasonable requests.

Restriction on the Use of the Commonwealth Seal. Bidders and contractors are not allowed to display the Commonwealth of Massachusetts Seal in their bid package or subsequent marketing materials if they are awarded a contract because use of the coat of arms and the Great Seal of the Commonwealth for advertising or commercial purposes is prohibited by law.

Subcontracting Policies. Prior approval of the department is required for any subcontracted service of the contract. Contractors are responsible for the satisfactory performance and adequate oversight of its subcontractors. Human and social service subcontractors are also required to meet the same state and federal financial and program reporting requirements and are held to the same reimbursable cost standards as contractors.

Workplace Violence and Prevention and Crisis Response Plan. ☞ *Required for POS Only. Not applicable to non-POS bidders.* 101 CMR 19.00, Workplace Violence and Prevention and Crisis Response Plan, governs the procedures and criteria for workplace violence prevention and response plans for programs that provide direct services to clients that are operated, licensed, certified or funded by a department, commission, office, board, division, institution or other entity within the Executive Office of Health and Human Services under M.G.L. c. 6A § 16. Any direct service program that contracts with the Executive Office of Health and Human Services (EOHHS) or the constituent agencies of EOHHS must comply with 101 CMR 19.00, including having a plan that meets the criteria set forth in 101 CMR 19.04, which is updated annually, available electronically and provided to any human service worker upon request. The regulations and response plan guidelines are available at the following web site: www.mass.gov/hhs/HSW-safety-regs

VII. APPENDIX C – INSTRUCTIONS FOR EXECUTION AND SUBMISSION OF COMMONWEALTH STANDARD FORMS

The purpose of this appendix is to provide guidance to Bidders on the Commonwealth Standard forms to be submitted (in addition to the other forms and documents required) and how they must be executed and submitted. Please note that these instructions are meant to supplement the Instructions found on each of

ASSESSMENT OF MBTA's GREEN LINE LIGHT RAIL TRACK SYSTEM

these forms. It is advisable to print this document first so that it may be referenced when filling out these forms.

Some of the forms listed below can be electronically signed by the Bidder, see [Electronic Signatures](#). However, online Bidders must, if notified of Contract award, submit the following four (4) forms on paper with original ink signatures unless otherwise specified below, within the timeframe referenced in the RFR section entitled [Ink Signatures](#): the Commonwealth Standard Contract Form, the Commonwealth Terms and Conditions, the Request for Taxpayer Identification Number and Certification (Mass. Substitute W9 Form) and the Contractor Authorized Signatory Listing.

7.1 Commonwealth Standard Contract Form

Sign electronically as described above; **if notified of Contract award**, complete as directed below and submit on paper with original ink signature and date.

By executing this document or signing it electronically, the Bidder certifies, under the pains and penalties of perjury, that it has submitted a Response to this RFR that is the Bidder's Offer as evidenced by the execution of its authorized signatory, and that the Bidder's Response may be subject to negotiation by the SST. Also, the terms of the RFR, the Bidder's Response and any negotiated terms shall be deemed accepted by the Operational Services Division and included as part of the Contract upon execution of this document by the State Purchasing Agent or his designee.

If the Bidder does not have a Vendor Code beginning with "VC," or does not know what their Vendor Code is, the Bidder should leave the Vendor Code field blank. The Bidder should NOT enter a Vendor Code assigned prior to May 2004, as new Vendor Codes have been assigned to all companies since that time.

Signature and date MUST be handwritten in ink, and the signature must be that of one of the people authorized to execute contracts on behalf of the Contractor on the Contractor Authorized Signatory Listing (See below).

7.2 Commonwealth Terms and Conditions

Sign electronically as described above; **if notified of Contract award**, complete as directed below and submit on paper with original ink signature and date, or submit a copy of a previously executed, up-to-date copy of the form as directed below.

If the Bidder has already executed and filed the Commonwealth Terms and Conditions form pursuant to another RFR or Contract, a copy of this form may be included in place of an original. If the Bidder's name, address or Tax ID Number have changed since the Commonwealth Terms and Conditions form was executed, a new Commonwealth Terms and Conditions form is required. The Commonwealth Terms and Conditions are hereby incorporated into any Contract executed pursuant to this RFR.

This form must be unconditionally signed by one of the authorized signatories (see Contractor Authorized Signatory Listing, below), and submitted without alteration. If the provisions in this document are not accepted in their entirety without modification, the entire Proposal offered in response to this Solicitation may be deemed non-responsive.

The company's correct legal name and legal address must appear on this form, and must be identical to the legal name and legal address on the Request for Taxpayer Identification and Certification Number (Mass. Substitute W9 Form).

ASSESSMENT OF MBTA's GREEN LINE LIGHT RAIL TRACK SYSTEM

7.3 Request for Taxpayer Identification Number and Certification (Mass. Substitute W9 Form)

Sign electronically as described above; **if notified of Contract award**, complete as directed below and submit on paper with original ink signature and date, or submit a copy of a previously executed, up-to-date copy of the form as directed below.

If a Bidder has already submitted a Request for Taxpayer Identification and Certification Number (Mass. Substitute W9 Form) and has received a valid Massachusetts Vendor Code, an original W-9 form is not required. A copy of the form as filed may be included in place of an original. If the Bidder's name, address or Tax ID Number have changed since the Mass. Substitute W9 Form was executed, a new Mass. Substitute W9 Form is required. The information on this form will be used to record the Bidder's legal address and where payments under a State Contract will be sent. The company's correct legal name and legal address must appear on this form, and must be identical to the legal name and legal address on the Commonwealth Terms and Conditions. Please do not use the U.S Treasury's version of the W9 Form.

7.4 Contractor Authorized Signatory Listing

Sign electronically as described above; **if notified of Contract award**, complete as directed below and submit on paper with original ink signature and date.

In the table entitled "Authorized Signatory Name" and "Title," type the names and titles of those individuals authorized to execute contracts and other legally binding documents on behalf of the Bidder. Bidders are advised to keep this list as small as possible, as Contractors will be required to notify the Procurement Manager of any changes. If the person signing in the signature block on the bottom of the first page of this form will also serve as an "Authorized Signatory," that person's name must be included in the typed table.

With regard to the next paragraph, which begins "I certify that I am the President, Chief Executive Officer, Chief Fiscal Officer, Corporate Clerk or Legal Counsel for the Contractor...", if your organization does not have these titles, cross them out and handwrite the appropriate title above the paragraph.

The signature and date should be handwritten in ink. Title, telephone, fax and eMail should be typed or handwritten legibly.

The second page of the form (entitled "Proof of Authentication of Signature") states that the page is optional. However, the "optional" aspect of the form is that Commonwealth Departments are not required to use it. In the case of Statewide Contracts, this page is REQUIRED, not optional. The person signing this page must be the same person signing the Standard Contract Form, the Commonwealth Terms and Conditions, and the RFR Checklist.

Please note that in two places where the form says "in the presence of a notary," this should be interpreted to mean "in the presence of a notary or corporate clerk/secretary." Either a notary or corporate clerk/secretary can authenticate the form; only one is required.

Organizations whose corporate clerks/secretaries authenticate this form are not required to obtain a Corporate Seal to complete this document.

7.5 Supplier Diversity Program Plan Form 1

Massachusetts [Executive Order 565](#) reaffirmed and expanded the Commonwealth's policy to promote the award of state contracts in a manner that develops and strengthens certified Minority Business Enterprises (MBEs), Women Business Enterprises (WBEs), Minority and Women Nonprofit Organizations (M/WNPOs), Veteran Business Enterprises (VBEs), Service-Disabled Veteran-Owned Business

ASSESSMENT OF MBTA's GREEN LINE LIGHT RAIL TRACK SYSTEM

Enterprises (SDVOBEs), Disability-Owned Business Enterprises (DOBEs), and Lesbian, Gay, Bisexual and Transgender Business Enterprises (LGBTBEs).

Partnerships with M/WBEs, M/WNPOs, VBEs and SDVOBEs: All bidders are **required** to make a significant financial commitment to partner with certified M/WBEs, M/WNPOs, VBEs and/or SDVOBEs certified or verified by the Supplier Diversity Office (SDO). Bidders must identify a commitment in the form of a specific percentage of sales made under the resulting contract that will be spent with an SDP Partner(s) on a Massachusetts fiscal year basis, using SDP Plan Form #1 – SDP Plan Commitment. This percentage commitment will extend for the life of any resulting contract.

[SDP Form 1 \(SDP Plan Commitment\)](#)

[SDP Form 2 \(Declaration of SDP Partners\)](#)

Download this form and complete as directed below; include with online submission. Ink signature is not required.

The specific Supplier Diversity Program (SDP) requirements for this procurement can be found earlier in this document. Bidders are required to state a specific percentage of contract revenues that will represent the SDP commitment for the entire contract period, including any renewals.

7.6 Additional Environmentally Preferable Products / Practices

In line with the Commonwealth's efforts to promote products and practices which reduce our impact on the environment and human health, Bidders are encouraged to provide information regarding their environmentally preferable/sustainable business practices as they relate to this Contract wherever possible. Bidders must complete this form and submit it with their RFR Response.

7.7 Prompt Payment Discount Form

Download this form and complete as directed below; include with online submission. Ink signature is not required.

Pursuant to the Prompt Payment Discount terms set forth in the RFR Required Specifications for Contracts and on the Prompt Payment Discount Form itself, all Bidders must execute this form. After entering the "Bidder Name" and "Date of Offer for Prompt/Early Payment Discount", the Bidder must identify the prompt payment discount(s) terms by indicating the "Percentage Discount off of the Proposed Pricing" and the "Turn-around-time for Payments." In the event of a hardship that prevents the Bidder from offering a prompt payment discount, the Bidder must document this fact and provide supporting information. If awarded a contract, the final negotiated prompt payment discounts should be reflected on the Commonwealth Standard Contract Form.

7.8 Business Reference Form

Bidders must provide all requested information on this form for three (3) business references. In completing this form, note that the "Bidder" is the name of the company submitting a Quote in response to this RFR and the "RFR Name/Title" and the "Agency Document Number" can be found on the cover of the RFR document and in the Short Description field in the Header Information of the Bid record in COMMBUYS. Also, please note that: "Reference Name" is the name of the organization (if not applicable, then name of the individual) that is providing the reference; "Contact" is the name of the individual inside the organization that will provide the reference; and the "Address," "Phone #" and "Fax/Internet Address" are those of the "Contact" so that the SST may be able to reach them.

ASSESSMENT OF MBTA's GREEN LINE LIGHT RAIL TRACK SYSTEM

VIII. APPENDIX D – INSTRUCTIONS FOR VENDORS RESPONDING TO BIDS ELECTRONICALLY THROUGH COMMBUYS

Introduction

COMMBUYS refers to all solicitations, including but not limited to Requests for Response (RFR), Invitations for Bid (IFB), Requests for Response (RFR), Requests for Quote (RFQ), as "Bids." All responses to Bids are referred to as "Quotes."

Steps for Bidders to Submit a Quote

1. Launch the COMMBUYS website by entering the URL (www.COMMBUYS.com) into the browser.
2. Enter Bidder login credentials and click the **Login** button on the COMMBUYS homepage. Bidders must be registered in COMMBUYS in order to submit a Quote. Each Vendor has a COMMBUYS Seller Administrator, who is responsible for maintaining authorized user access to COMMBUYS.
3. Upon successful login, the Vendor home page displays with the Navigation and Header Bar as well as the Control Center. The Control Center is where documents assigned to your role are easily accessed and viewed.
4. Click on the **Bids** tab
5. Clicking on the Bid tab opens four sections:
 - a. Request for Revision
 - b. Bids/Bid Amendments
 - c. Open Bids
 - d. Closed Bids
6. Click on the blue **Open Bid** hyperlinks to open and review an open bid
7. A new page opens with a message requesting you acknowledge receipt of the bid. Click **Yes** to acknowledge receipt of the bid. Bidders should acknowledge receipt to receive any amendments/updates concerning this bid.
8. After acknowledgement, the bid will open.

The top left half of the page contains the following information:

- a. Purchaser
- b. Department
- c. Contact for this bid
- d. Type of purchase
 - i. Open Market
 - ii. Blanket
- e. Pre-Bid Conference details (if applicable)
- f. Ship-to and Bill-to addresses
- g. Any attachments to the bid, which may include essential bid terms, response forms, etc.

The top right half of the bid includes the following information:

- h. Bid Date
- i. Required Date
- j. Bid Opening Date – date the bid closes and no further quotes will be accepted
- k. Informal Bid Flag
- l. Date goods/services are required
9. The lower half of the page provides information about the specific goods/services the bid is requesting.

ASSESSMENT OF MBTA's GREEN LINE LIGHT RAIL TRACK SYSTEM

10. Click **Create Quote** to begin.
11. The General tab for a new quote opens. This page is populated with some information from the bid. Fields available to update include:
 - a. Delivery days
 - b. Shipping terms
 - c. Ship via terms
 - d. Is "no" bid – select if you will not be submitting a quote for this bid
 - e. Promised Date
 - f. Info Contact
 - g. Comments
 - h. Discount Percent
 - i. Freight Terms
 - j. Payment Terms

It is important to note that the bid documents (RFR and attachments) may specify some or all of these terms and may prohibit you from altering these terms in your response. Read the bid documents carefully and fill in only those items that are applicable to the bid to which you are responding.

Update these fields as applicable to the bid and click **Save & Continue** to save any changes and create a Quote Number.

12. The page refreshes and messages display. Any message in **Red** is an error and must be resolved before the quote can be submitted. Any message in **Yellow** is only a warning and will allow processing to continue.
13. Click the **Items** tab. The Items tab displays information about the items requested in the bid. To view additional details about an item, click the item number (blue hyperlink) to open.
14. The item opens. Input all of your quote information and click **Save & Exit**.
15. Click on the **Attachments** Tab. Follow the prompts to upload and name all required attachments and forms and bid response documents in accordance with the instructions contained in the solicitation or bid documents. After uploading each individual file or form, click **Save & Continue**. After you have uploaded all required documents click **Save & Exit**. Be sure to review your attachments to make sure each required document has been submitted.
16. Click on the **Terms & Conditions** Tab. This tab refers to the terms and conditions that apply to this bid. The terms and conditions must be accepted before your quote can be submitted. If your acceptance is subject to any exceptions, those exceptions must be identified here. Exceptions cannot contradict the requirements of the RFR, or required Commonwealth standard forms and attachments for the bid. For instance, an RFR may specify that exceptions may or will result in disqualification of your bid.
17. Click the Summary tab. Review the information and update/correct, as needed. If the information is correct, click the **Submit Quote** button at the bottom of the page.
18. A popup window displays asking for verification that you wish to submit your quote. Click **OK** to submit the quote.
19. The Summary tab redisplay with an updated Status for the quote of **Submitted**.

ASSESSMENT OF MBTA's GREEN LINE LIGHT RAIL TRACK SYSTEM

20. Your quote submission is confirmed only when you receive a confirmation email from COMMBUYS. If you have submitted a quote and have not received an email confirmation, please contact the COMMBUYS Help Desk at COMMBUYS@state.ma.us.

If you wish to revise or delete a quote after submission, you may do so in COMMBUYS: (1) for a formal bid, prior to the bid opening date, or (2) for an informal bid (which may be viewed upon receipt), prior to the opening of your quote by the issuing entity or the bid opening date, whichever is earlier.

Bidders may not submit Multiple Quotes in response to a Bid unless the Bid authorizes Multiple Quote submissions. If you submit multiple quotes in response to a bid that does not allow multiple quotes, only the latest submission prior to the bid opening date will be evaluated.

X. APPENDIX E – GLOSSARY

In addition to the definitions found in 801 CMR 21.00, which apply to all procurements for goods and services, the definitions found below apply to this Solicitation. Those definitions below designated with an asterisk (“*”) are quoted directly from 801 CMR 21.00 and are included below for quick reference purposes.

Agency – See Department

Bid – While a bid may generally refer to an offer or response submitted in response to a Solicitation or Request for Response (RFR), in COMMBUYS, a “bid” refers to the solicitation, RFR or procurement.

Bidder * - An individual or organization proposing to enter into a Contract to provide a Commodity or Service, or both, to or for a Department or the State.

Commonwealth Contract Manager – See Strategic Sourcing Services Lead

Contract * - A legally enforceable agreement between a Contractor and a Department. ANF, OSD and CTR shall jointly issue Commonwealth Terms and Conditions, a Standard Contract Form and other forms or documentation that Departments shall use to document the Procurement of Commodities or Services, or both. COMMBUYS refers to Contract records as “Purchase Orders” or “Blanket Purchase Orders.”

Contractor * - An individual or organization which enters into a Contract with a Department or the State to provide Commodities or Services, or both.

Contractor Contract Manager – The individual designated by the Contractor to interface with the Commonwealth.

Department - For the purposes of this Solicitation, the terms “Department,” “Eligible Entity,” “Agency,” “Commonwealth Agency,” and “Contracting Department” include all entities listed in the Eligible Entities section of this RFR. COMMBUYS refers to such entities as “Organizations.”

Eligible Entity – See Department

Environmentally Preferable Product (EPP) - A product or service that has a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. Such products or services may include, but are not limited to, those which contain recycled content, minimize waste, conserve energy or water, and reduce the amount of toxic materials either disposed of or consumed.

Evaluation – The process, conducted by the Strategic Sourcing Team, of reviewing, scoring and ranking the submitted Quotes related to this Bid.

ASSESSMENT OF MBTA's GREEN LINE LIGHT RAIL TRACK SYSTEM

FY – See Fiscal Year

Fiscal Year - The year beginning with July first and ending with the following June thirtieth as defined in M.G.L. Chapter 4, Section 7. This may also be referred to as the "State Fiscal Year."

Organization – See Department

Procurement Team Leader (PTL) – See Strategic Sourcing Services Lead

PTL – See Procurement Team Leader

Purchasing Entity – Same as "Eligible Entity."

Quote or Response - generally refers to the offer submitted in response to a Bid or Request for Response (RFR).

Request for Response (RFR) * – The mechanism used to communicate Procurement specifications and to request Quotes from potential Bidders. An RFR may also be referred to as a "Bid" or "Solicitation."

Response – The Bidder's complete submission (or "Quote" as referenced in COMMBUYS) in response to a Solicitation, in other words, a "Bid" or "Proposal."

Solicitation – See Request for Response (RFR)

SST – See Strategic Sourcing Team

SSSL – See Strategic Sourcing Services Lead

Strategic Sourcing Team (SST) – Representatives from various eligible entities and interested stakeholders that design procurements, develop specifications, conduct Solicitations, evaluate responses to Bids and award Statewide or Department Contracts. The SST also monitors Contractor performance through performance measures and the level of customer satisfaction throughout the life of the Contract. In some agencies, SSTs are referred to as "Procurement Management Teams (PMT)."

Strategic Sourcing Services Lead (SSSL) – Individual designated by the procuring Department to lead the Strategic Sourcing Team and the solicitation and resulting contract. In some agencies SSSLs are referred to as "Procurement Team Leads (PTL)." COMMBUYS Refers to the SSSL in the Header Information section of a Bid as the "Purchaser."